

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 12/7/2023
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ARABIA JENNINGS,	:	
	:	
Plaintiff,	:	1:22-cv-1885-GHW-SLC
	:	
-against-	:	<u>ORDER</u>
	:	
CITY OF NEW YORK, EDWARD WINSKI,	:	
<i>individually and in his official capacity, and</i> MARISA	:	
CAGGIANO, <i>individually and in her official capacity,</i>	:	
	:	
Defendants.	:	
-----	X	
GREGORY H. WOODS, United States District Judge:		

On November 22, 2023, Magistrate Judge Cave issued a Report and Recommendation (“R&R”) recommending that the Court deny Defendants’ 12(b)(6) motion to dismiss for failure to state a claim, and their associated request for a stay of discovery. Dkt. No. 56. The R&R describes in detail the facts and procedural history of this case. In the R&R, Magistrate Judge Cave determined that Plaintiff’s amended complaint should not be dismissed under F.R.C.P. 12(b)(6), recommending that Plaintiff’s claims in the First Amended Complaint, Dkt. No. 27, proceed. *See* Dkt. No. 56.

A district court reviewing a magistrate judge’s report and recommendation “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Parties may raise specific, written objections to the report and recommendation within fourteen days of receiving a copy of the report. *Id.*; *see also* Fed. R. Civ. P. 72(b)(2). The Court reviews for clear error those parts of the report and recommendation to which no party has timely objected. 28 U.S.C. § 636(b)(1)(A); *Lewis v. Zon*, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008).


No objection to the R&R was submitted within the fourteen-day window. The Court has

reviewed the R&R for clear error and finds none. *See Braunstein v. Barber*, No. 06 Civ. 5978 (CS) (GAY), 2009 WL 1542707, at *1 (S.D.N.Y. June 2, 2009) (explaining that a “district court may adopt those portions of a report and recommendation to which no objections have been made, as long as no clear error is apparent from the face of the record.”). The Court, therefore, accepts and adopts the R&R in its entirety. For the reasons articulated in the R&R, Defendants’ motion to dismiss Plaintiff’s amended complaint is denied, as is Defendants’ request for a stay of discovery.

The Clerk of Court is directed to terminate the motion pending at Dkt. No. 49.

SO ORDERED.

Dated: December 7, 2023
New York, New York



GREGORY H. WOODS
United States District Judge